

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

**RICHMOND DIVISION**

**HOLLY MICHELLE LANDRY,**

**Petitioner,**

**v.**

**CIVIL ACTION NO. 3:13CV367**

**PHYLLIS A. BASKERVILLE,**

**Respondent.**

**MOTION TO DISMISS AND RULE 5 ANSWER**

The Respondent, by counsel, moves the Court to dismiss Holly Michelle Landry's petition for a writ of habeas corpus pursuant to Rules 12 and 56(b) of *The Federal Rules of Civil Procedure* and pursuant to Rule 5, *Rules Governing § 2254 Cases* for the reasons stated more fully in the Memorandum of Law accompanying herewith.

**WHEREFORE**, the Respondent prays that the petition for a writ of habeas corpus be denied and dismissed.

Respectfully submitted,

**PHYLLIS A. BASKERVILLE**  
Respondent herein.

By:\_\_\_\_\_/s/\_\_\_\_\_

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 29, 2013, I electronically filed a true copy of the foregoing Motion with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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